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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
Y THI NHU LE AND BEN VAN PHAN,  
  
Defendants.

Case No.: 2:23-CR-00188 WBS

STIPULATION AND ORDER TO  
CONTINUE STATUS CONFERENCE

REQUESTED DATE: FEBRUARY 26, 2024  
TIME: 9:00 A.M.  
JUDGE: HON. WILLIAM B. SHUBB

**STIPULATION**

Plaintiff, United States of America, by and through its counsel of record, Heiko P. Coppola, and  
Defendants Y Thi Nhu Le, by and through her counsel of record, Timote Tuitavuki, and Ben Van  
Phan, by and through his counsel of record, Mary Ann F. Bird, (collectively, the “parties”)  
hereby stipulate as follows:

1. By previous order, this matter was set for status conference on December 11, 2023 at  
9:00 a.m. and time was ordered excluded in the interest of justice.
2. By this stipulation, the parties hereby move to continue the status conference to February  
26, 2024 because counsels for the defendants need additional time to properly prepare a

1 defense. Specifically, defense counsels need the additional time based on the voluminous  
2 nature of the discovery.

3 3. Counsels for the defendants believe that failure to grant the above requested continuance  
4 would deny them the reasonable time necessary for effective preparation, taking into  
5 account the exercise of due diligence and the Government does not object to the  
6 continuance.  
7

8 4. Based on the above stated findings, the ends of justice served by continuing the case as  
9 requested outweigh the interest of the public and the defendants in a trial within the  
10 original dates prescribed by the Speedy Trial Act.  
11

12 5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. section 3161, et  
13 seq, within which trial must commence, the time period of December 11, 2023 to  
14 February 26, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. 3161(h)(7)(A),  
15 B(iv)[Local Code T4], because it results from a continuance granted by the Court at the  
16 defendant's request on the basis of the Court's findings that the ends of justice served by  
17 taking such action outweigh the best interest of the public and the defendant in a speedy  
18 trial.  
19

20 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
21 Speedy Trial Act dictate that additional time periods are excludable from the period  
22 within which a trial must commence.  
23

24  
25 IT IS SO STIPULATED.

Respectfully submitted,

26 Dated: December 4, 2023

PHILLIP A. TALBERT  
United States Attorney

27  
28 BY:    /s/ HEIKO P. COPPOLA

HEIKO P. COPPOLA  
Assistant United States Attorney

Dated: December 4, 2023

\_\_\_/s/TIMOTE FAKAOFO TUITAVUKI\_\_\_  
TIMOTE FAKAOFO TUITAVUKI  
Attorney for Y Thi Nhu Le

Dated: December 4, 2023

\_\_\_/s/ MARY ANN F. BIRD\_\_\_\_\_  
MARY ANN F. BIRD  
Attorney for Ben Van Phan

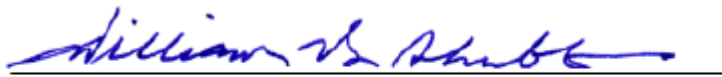
### FINDINGS AND ORDER

The matter having come before the Court and for good cause appearing,

The Court hereby continues the status conference hearing to February 26, 2024 at 9:00 A.M. Time is excluded under the Speedy Trial Act from December 11, 2023 up to and including February 26, 2024. The ends of justice outweigh the best interests of the public and the defendants in a trial within the original dates prescribed by the Speedy Trial Act.

IT IS SO ORDERED.

Dated: December 5, 2023

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE